IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE

STEVEN WHEELER,)
Plaintiffs,))
v.) No. 3-07-0198
RONNIE MORAN, Chief of Police, Officially and Individually,) JUDGE HAYNES OND SU
Defendant.	munistra (1)
Defendant. MOTION IN LIMINE NO. 3 BY DEFENDANT RONNIE MORAN DEFENDANT RONNIE MORAN DEFENDANT RONNIE MORAN	

Pursuant to the authority established in <u>Hodges v. Toof</u>, 833 S.W.2d 896 (Tenn. 1992), Defendant Ronnie Moran moves to bifurcate the trial in this case, such that during the first phase, the jury shall determine the liability for, and amount of, if any, compensatory damages and liability for punitive damages and, thereafter, and only if Defendant is found liable for punitive damages, the amount of any such punitive damages in a second phase.

Defendant further moves the Court to exclude any evidence of the City of McEwen's financial affairs, financial condition, and net worth. Defendant's own financial affairs, financial condition and net worth should not be admissible during the first phase.

The grounds for this motion are that (1) such evidence would be irrelevant and unfairly prejudicial to Defendant in the defense of this trial and (2) the probative value of such evidence would be substantially outweighed by (a) the danger of confusion of the issues and misleading the jury, and (b) by considerations of undue delay and waste of time.